

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ELVIS DIAZ REYES

DEBTOR

CASE NO 15-04784 MCF

CHAPTER 13

**DEBTOR'S REPLY TO TRUSTEE'S MOTION TO DISMISS  
DOCKET NO. 39**

TO THE HONORABLE COURT:

**COMES NOW, ELVIS DIAZ REYES**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Chapter 13 Trustee filed a *Trustee's Motion to Dismiss*, Docket No. 39, stating that the Debtor failed to provide the Chapter 13 Trustee tax refunds received by the Debtor for the years 2015, 2016, 2017, 2018 and 2019, that this Honorable Court had Ordered the Debtor to submit the same as per *ORDER*, Docket No. 34, and that the Debtor was in arrears in the Plan payments to the Trustee, thus, requesting that the present case be dismissed.

2. That on October 29, 2020, the Debtor submitted to the Chapter 13 Trustee (uploaded to the Trustee's system) copies of the Debtor's 2015, 2016, 2017, 2018 and 2019 tax returns.

3. That the Debtor's 2015-2019 tax returns reflect that the Debtor did receive tax refunds for the years 2015-2019. That the Debtor respectfully states that he was unaware/forgot to pay to the Trustee all tax refunds received during the life of the Plan and/or to request prior authorization for the use of said funds.

4. Notwithstanding, on November 12, 2020, the Debtor sent to the Chapter 13 Trustee via regular U.S. Mail four (4) money orders numbers 22147002243, 22147002244,

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Debtor's Reply to Trustee's Motion to Dismiss  
Case no. 15-04784 MCF13

22147002245, and 22147002246, each in the sum of \$1,000.00, for a total paid-in of \$4,000.00, to cover for the unpaid tax refunds received during the life of the Plan.

5. That the aforementioned sum of \$4,000.00 increases the Plan base to \$27,036.00, which sum pays all creditors and specifically the General Unsecured creditors in full (100%), increasing distribution to the General Unsecured creditors from a 28.31% to a 100%, in the above captioned case.

6. Furthermore, on October 13, 2020, the Debtor paid the sum of \$407.00, to cover the Plan arrears in the present case. The Debtor has completed all payments under the confirmed Plan, completing the Plan base of 23,036.00. Attached is copy of Trustee's *Financial Summary Report* which reflects the aforementioned \$407.00 Plan payment and a confirmed Plan paid-in base of \$23,036.00.

**WHEREFORE** the Debtor, through his undersigned attorney, respectfully prays that Trustee's motion requesting dismissal, Docket No. 39, be denied.

**I HEREBY CERTIFY** that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF system which will send notifications of such to the Chapter 13 Trustee and to all other CM/ECF participants; I also certify that I have mailed by United States Postal Service copy of this motion to the following non-participant: the Debtor, Elvis Diaz Reyes, HC 1 Box 5574 Gurabo PR 00778, in the above captioned case.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 17<sup>th</sup> day of November, 2020.

/s/ **Roberto Figueroa Carrasquillo**  
USDC #203614  
RFIGUEROA CARRASQUILLO LAW OFFICE PSC  
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*Christina Reyes #1504784 Reintegr*

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*Chris Pine*  
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Lissomcomb, IL  
34746

*Jose R. Larrion Member*  
P.O. Box 88109  
Chicago IL 60680-1109





## FINANCIAL SUMMARY - CASE 15-04784

Receipts	Rcpts/Deb Refunds	Disbursements	Adjustments	Trustee Disb	Trustee Adj	Show All
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Limits: Select Start Date Select Claim ID Select Payee Name Check Status: Cleared State Dated Stop Payment Cancelled

Date	Payee	Payee Name	Source / Check	Description	Receipts	Disburse
10/13/2020			000000000006854	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
6/11/2020				TFS - NATIONWIDE TFS RECEIPT	\$407.00	
5/11/2020				TFS - NATIONWIDE TFS RECEIPT	\$407.00	
4/13/2020				TFS - NATIONWIDE TFS RECEIPT	\$407.00	
3/9/2020			000000000008206	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
2/7/2020			000000000005368	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
1/7/2020			000000000008475	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
12/9/2019			000000000002245	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
11/8/2019			000000000002736	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
10/8/2019			000000000006650	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
9/9/2019			000000000003200	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
8/8/2019			000000000008988	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
7/8/2019			000000000003533	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
6/11/2019			000000000005850	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
5/6/2019			000000000005316	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
4/10/2019			000000000001480	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
3/11/2019			000000000008288	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
2/11/2019			000000000002525	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
1/8/2019			000000000000056	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
12/10/2018			000000000005680	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
11/9/2018			000000000001482	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
10/5/2018			000000000009403	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
9/4/2018			000000000001134	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
8/6/2018			000000000000334	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
7/9/2018			000000000008565	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
6/8/2018			000000000000220	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
5/7/2018			000000000000338	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
4/6/2018			000000000006555	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
3/12/2018			000000000000143	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
2/9/2018			000000000000310	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
1/16/2018			000000000009417	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
12/18/2017			000000000003940	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
11/27/2017			000000000008534	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
11/7/2017			000000000000625	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
8/28/2017			000000000005043	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
8/18/2017			000000000000900	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
7/26/2017			000000000003330	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
6/13/2017			000000000007727	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
5/18/2017			000000000006801	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
4/3/2017			000000000009352	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
2/28/2017			000000000009028	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
1/17/2017			000000000003761	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
12/19/2016			000000000007814	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
12/12/2016			000000000004851	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
11/8/2016			000000000002117	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	
10/13/2016			000000000001261	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$407.00	

9/6/2016		000000000005262-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$514.00
8/5/2016		000000000005405-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
7/18/2016		000000000003028-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
6/10/2016		000000000000806-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
5/18/2016		000000000001296-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
4/7/2016		000000000003884-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
2/17/2016		000000000008062-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
2/4/2016		000000000004640-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
1/4/2016		000000000001457-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
12/2/2015		000000000007097-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
10/26/2015		000000000007098-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
9/30/2015		000000000001520-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$300.00
8/19/2015		000000000003534-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$250.00
7/20/2015		000000000008624-	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$250.00
			<b>Totals:</b>	<b>\$23,036.00</b>